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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,908	09/05/2003	Otto J. Volker	011361-00079	9097

28316 7590 08/11/2006

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/656,908	Applicant(s) VOLKER ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-12 and 14-21 is/are allowed.
- 6) ☒ Claim(s) 6, 22, 23, 27, 28 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 13, 24-26, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 May 2006 has been entered.

### ***Claim Objections***

2. Claims 13 and 23 are objected to because of the following informalities:
- a. claim 13, line 10, "pawl\_configured" should read --pawl configured--;
  - b. claim 23, line 1, "claim 6" should read --claim 22--;
  - c. claim 23, line 3, "an engaged position" should read --the engaged position--.
- Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 22, 23, 27, 28, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,112,370 to Blanchard et al.

Blanchard et al. disclose a reclining vehicle seat hinge assembly that includes all the limitations recited in claims 6, 22, 23, 27, 28, 32, and 33. Blanchard et al. show an assembly having a seat pan A (see Fig. 1), a seat back D pivotally connected to the seat pan, and a hinge assembly 20 pivotally connecting the seat back to the seat pan. The hinge assembly having a first housing 24 secured to the seat pan, a second housing 26 secured to the seat back that is pivotable with respect to first housing and has a circular shoulder 50 (see Fig. 5) and a plurality of teeth 48 extending radially inward from the shoulder, a primary cam (maneuvering means with rings 52,54) rotatable with respect to the first housing and having a pair of primary camming surfaces 56a,56b, a secondary cam 38 rotatably driveable by the primary cam (via tabs 66,68) and having a plurality of camming surfaces L, a pair of primary pawls 34a,34b each slidable radially with respect to the first housing upon engagement with a corresponding primary camming surface of the primary cam and a corresponding camming surface of the secondary cam, and a plurality of radially outward extending teeth 42a,42b engageable with the teeth of the second housing, a pair of secondary pawls 34c,34d configured to be driven radially outward with respect to the first housing upon engagement with a corresponding camming surface of the secondary cam (see column 4, lines 30-39) and having a plurality of radially outward extending teeth 42c,42d engageable with the teeth of the second housing, a first primary spring 76 and a secondary primary spring 82 to bias the primary cam into an engaged position, a

plurality of guide surfaces (edges of shoulder 46 between sectors 44a,44b) of the first housing along which the primary and secondary pawls travel, and the secondary plate is a plate with a first pair of slots each of which has first and second camming edges and a second pair of slots each of which has a camming edge wherein the secondary pawls having a construction identical to the primary pawls (see column 3, lines 46-49) such that the primary pawls and secondary pawls are inherently interchangeable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. in view of U.S. Patent No. 6,003,945 to Kojima.

Blanchard et al. disclose an assembly that is basically the same as that recited in claim 31 except that the assembly lacks a cam locking member with a cooperating washer, as recited in the claim. Kojima shows a reclining vehicle seat hinge assembly similar to that of Blanchard et al. wherein the assembly has a first housing 1 (see Fig. 2), a second housing 2, a cam locking member 4,45, and a washer 42 cooperating with the cam locking member to secure the first and second housings together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Blanchard et al. to include a cam locking member

and a washer cooperating with the cam locking member to secure the first and second housings together, such as the assembly disclosed in Kojima. One would have been motivated to make such a modification in view of the suggestion in Kojima that the cooperating cam locking member and washer allows relative rotation of the first and second housings without coming off of the locking member.

### ***Allowable Subject Matter***

7. Claims 1-5 and 7-21 are in condition for allowance. As allowable subject matter has been indicated for claim 13, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. Claims 24-26, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

8. Applicant's arguments with respect to independent claims 6 and 31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joe Edell". The signature is fluid and cursive, with the first name "Joe" and last name "Edell" clearly distinguishable.

Joe Edell  
August 4, 2006